

Appl. No. 09/328,667

Attorney Docket No.: 113394

REMARKS

Claims 1-5, 7-15, 17-25 and 27-30 remain pending in this application.

Each one of the independent claims in the application—claims 1, 11 and 21—has been amended to recite that that request that was sent to the first gatekeeper was received from the third gatekeeper “without said request having been sent through any other gatekeeper.” It is submitted that each of these claims, and thus each of the dependent claims in the application, distinguishes the invention from the cited Galasso reference, as discussed below.

In telephone conversations between Examiner Duong and the undersigned attorney during the weeks of May 10 and May 17, 2004, applicant reiterated the position set forth in applicant’s “Response to Final Office Action” dated 04/22/2004. It continues to be applicant’s position that the claims of the application as presented prior to that amendment distinguish over the teachings of Galasso that are referenced in that Response.

In one of those telephone conversations, however, the examiner pointed to a passage in Galasso that that not previously been pointed to. Specifically, the examiner pointed to col. 7, lines 40-42 of Galasso, which states that, if desired, US gatekeeper 550 can “directly query” the Europe master gatekeeper 560 for address translation. This disclosure in Galasso was pointed to by the examiner to support the examiner’s position that it would have been obvious to modify Galasso a) to have an additional gatekeeper in (for example) the US domain at the same hierarchical level as the existing US gatekeeper 550, with b) that additional gatekeeper communicating directly with the existing US gatekeeper without the communications passing through global gatekeeper 570.

Applicant respectfully submits, however, that the mention in Galasso of “directly query” does not mean that the hypothesized additional US gatekeeper would communicate with the existing US gatekeeper outside of the Galasso hierarchy. It is certainly tempting to read Galasso’s “directly query” language as meaning that there could be a direct connection between gatekeepers 550 and 560, once one has knowledge of applicant’s specification. It is respectfully submitted, however, that taking the Galasso

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disclosure as a whole—and interpreting it without the benefit of applicant's specification—the person of ordinary skill in the art would understand the “directly query” language in Galasso as still involving a scenario in which communications between the hypothesized additional US gatekeeper and the existing US gatekeeper 550 pass through global gatekeeper 570.

This can be understood as follows:

Reading the col. 7 passage in question in context, i.e. at col. 7, lines 26-55, it is seen that global gatekeeper 570 can function in one of two ways: In one way of functioning, global gatekeeper 570 can have its own associated database 575 and, as such, global gatekeeper 570 can serve as a source of information to respond to queries because it integrates the other administrative domains in the network. Thus if US gatekeeper 550 needs the address of a terminal in the Europe domain, US gatekeeper 550 can actually query global gatekeeper 570. The global gatekeeper can then consult its database 575 and respond to the query. If global gatekeeper 570 does not have the information that was requested of it, then global gatekeeper 570 can, in turn, query Europe gatekeeper 560 for the information. This way of functioning is not the direct query mentioned at col. 7, lines 40-42.

In another way of functioning, which is the direct query mentioned at col. 7, lines 40-42, global gatekeeper 570 can simply serve as part of the H.323 signaling infrastructure. In that situation, US gatekeeper 550 does not address a query to global gatekeeper 570. Rather, it addresses a query directly to Europe gatekeeper 560. The query passes through global gatekeeper 570—serving as a communications signaling point—on its way to Europe gatekeeper 560. However, the addressed entity—that is, the entity that US gatekeeper 550 is asking to look up the requested address—is not global gatekeeper 570, but Europe gatekeeper 560. This is clearly what is meant in Galasso by the phrase “directly query”—that is, a query that may pass through global gatekeeper 570, but for which global gatekeeper is not being asked to supply the answer.

The basis for applicant's position in this regard is that the above explanation for what is meant by “directly query” is the only explanation consonant with teachings throughout the Galasso specification.

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In particular, Galasso states more than once that in the Galasso architecture, the signaling (that is, the passage of messages, queries, etc.) is carried out hierarchically. For example, Galasso states at col. 5, lines 27-29 that “the present invention imposes a hierarchical signaling infrastructure between gatekeepers, gateways and terminals,” and at col. 5, lines 34-37 that communication between administrative domains occurs “using a hierarchical signaling between master gatekeepers.”

Thus when understood within the context of the overall Galasso disclosure, the statement in Galasso at col. 7, lines 40-42 stating that US gatekeeper 550 can “directly query” the Europe master gatekeeper must be read as referring to a case wherein Europe gatekeeper 560 is expected to reply to the query, even though the request still passes through global gatekeeper 570 acting as part of Galasso’s “hierarchical signaling infrastructure.”

It is thus respectfully submitted that any understanding of Galasso that implies that the US and Europe gatekeepers might communicate without the communications passing through global gatekeeper 570 would be the product of hindsight given the benefit of applicant’s teachings.

And so turning now to the rejection at hand, let it be assumed for purposes of argument that it would be obvious to provide another gatekeeper within, say, the US domain at the same hierarchical level as the existing US gatekeeper 550, as has been suggested in the Office action. Assume further that such a gatekeeper could be a “third” gatekeeper that could send a query to the “first” gatekeeper of applicant’s claims.

However, consistent with everything that Galasso teaches, that third gatekeeper (in the US domain) would communicate with the “first” gatekeeper (in the US domain) through global gatekeeper 570 serving as a switching point as already described.

In particular, per the above discussion, the requesting of information from the additional US gatekeeper to the existing US gatekeeper 550 could, consistent with the teachings of Galasso, be in one of two ways. In one way, the additional US gatekeeper could actually query global gatekeeper 570, which would forward the query to existing US gatekeeper 550 if the global gatekeeper did not have the information. This would be an indirect query made to the existing US gatekeeper 550 because the query had first

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been made to the global gatekeeper. In the second way, the additional US gatekeeper could indicate in its request that the request was being made to existing US gatekeeper 550 directly. That is, the request would still pass through global gatekeeper 570, but the global gatekeeper would see that the request was being made of the existing US gatekeeper and would not undertake to respond to it. Rather, the global gatekeeper would, in this case, simply be acting as part of the H.323 signaling infrastructure as a way for the additional US gatekeeper to get its request delivered to the existing US gatekeeper 550.

This is all in contrast to applicant's hybrid architecture, in which requests in one part of the overall network are communicated up and down within the hierarchical structure—consistent with either of the two Galasso scenarios discussed above—but in another part of the network, requests pass between gatekeepers at the same hierarchical level without passing through any other gatekeeper.

This can be seen, for example, in FIG. 4 of applicant's drawing in which the hybrid architecture includes "third" gatekeeper 420a communicating with "first" gatekeeper 420b at the same hierarchal level without going through any other gatekeeper. At the same time, the "first" gatekeeper 420b communicates with a "second" gatekeeper, such as 420d, up and down within the hierarchical structure that includes "intermediate" gatekeeper 420c.

As noted above, each of applicant's independent claims 1, 11 and 21 have been amended. These claims each recite that that request that was sent to the first gatekeeper was received from said third gatekeeper "without said request having been sent through any other gatekeeper." Once the meaning of the phrase "directly query" in Galasso is understood, per the above discussion, it becomes clear that the claim limitation "without said request having been sent through any other gatekeeper" distinguishes the invention from Galasso.

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In view of the foregoing, it is submitted that each of the claims in the application distinguishes the invention from Galasso and reconsideration is requested.

Respectfully,
Radhika R. Roy

By: 

Ronald D. Slusky
Attorney for Applicant
Reg. No. 26,585
(732) 249-0900

Law Office of Ronald D. Slusky
P.O. Box 4378
Highland Park, New Jersey 08904-4378
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